

In the
Indiana Supreme Court

IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES)
)
FOR WHITLEY COUNTY)

Case No. 92S00-1406-MS- **435**



ORDER APPROVING AMENDED LOCAL RULE

The Judges of the Whitley Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Whitley Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR92-AR1-1 and LR92-CR2.2-1 comply with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules LR92-AR1-1 and LR92-CR2.2-1 for Whitley Circuit and Superior Courts, set forth as an attachment to this Order, are approved effective July 1, 2014. The Clerk of this Court is directed to forward a copy of this Order to the Hon. James R. Heuer, Whitley Circuit Court, 101 West Van Buren Street, 3rd Floor, Columbia City, IN 46725-2109; the Hon. Douglas M. Fahl, Whitley Superior Court, 101 West Van Buren Street, Columbia City, IN 46725-2109; to the Clerk of the Whitley Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Whitley Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, on June 25, 2014.

Brent E. Dickson
Chief Justice of Indiana

LR92-AR1-1 LOCAL CASELOAD PLAN

1. The Judge of the Whitley County Circuit Court may, with the consent of the Judge of the Whitley Superior Court, transfer any action or proceeding from the Circuit Court to the Superior Court. The Judge of the Whitley Superior Court may, with the consent of the Judge of the Whitley Circuit Court, transfer any action or proceeding from the Whitley Superior Court to the Whitley Circuit Court. Other Local Rules previously filed with the Clerk of the Indiana Supreme Court establish rules for the filing of criminal cases in the courts of Whitley County. Pursuant to I.C. 33-33-92-5, the Whitley Superior Court has the same jurisdiction as the Whitley Circuit Court, except only the Whitley Circuit Court has juvenile jurisdiction.

2. Although no disparity in caseloads between the courts or judges of Whitley County, Indiana presently exists sufficient to require the transfer of cases or judges between the courts of Whitley County, the judges of Whitley County shall meet at least as often as annually to review the workload and caseload of each judge and court and then transfer, if necessary, such cases or judges between the courts as shall substantially equalize the workload of each of the judges of Whitley County.

LR92-CR-2.2-1 CRIMINAL CASE ASSIGNMENT

SUPERIOR COURT:

The following cases will be filed and assigned to Superior Court:

1. All infractions, traffic infractions and Title 9 traffic offenses, excluding O.W.I. Causing Death.
2. All misdemeanors, with the exception of Check Deception misdemeanors.
3. All Class D felonies, with the exception of Check Fraud, Class D felonies, felony Non-Support Child Support Cases.

CIRCUIT COURT:

The following cases will be filed and assigned to Circuit Court:

1. All class A, B and C felonies, with the exception of class C felony of operating while a habitual traffic violator.
2. All misdemeanor and class D felony cases except for Superior Court filings as listed above.
3. All juvenile cases.

LR92-CR-2.2-1(a)

**CRIMINAL CASE ASSIGNMENT
(for crimes committed after June 30, 2014)**

SUPERIOR COURT:

The following cases will be filed and assigned to Superior Court:

1. All infractions, traffic infractions and Title 9 traffic offenses, excluding O.W.I. Causing Death.
2. All misdemeanors, with the exception of Check Deception and Theft (by issuance of a check).
3. All Level 6 felonies, with the exception of Check Fraud, Theft (by issuance of a check), and Non-Support of a Dependent Child.

CIRCUIT COURT:

The following cases will be filed and assigned to Circuit Court:

1. Murder and all Level 1, Level 2, Level 3, and Level 4 felonies.
2. All Level 5 felonies with the exception of I.C. 9-30-17 (Operating after Lifetime Suspension).
3. All misdemeanor and Level 6 felonies not assigned to Superior Court as noted above.
4. All juvenile cases.